

REGULAR MEETING  
JUNE 22, 2009

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

1. Minutes of the City Council Meeting, June 15, 2009, unavailable.
2. CONTINUED PUBLIC HEARING: On the Petition from National Grid to install 60' of primary ug across Forest St. from P.47 to a hand hole.
3. Communication from the Mayor re: various budget transfer requests from Undesignated Funds to designated Stabilization accounts totaling \$835,296.00.
4. Communication from the Mayor re: various budget transfer requests from designated Stabilization accounts to DPW Water, Street Sign Replacement, DPW Equipment and GPS Equipment accounts totaling \$835,296.00.
5. Communication from the Mayor re: Council's request for additional information on expenditures and encumbrances of the Public Safety Training Revolving Account, Order No. 09-1002244.
6. Communication from the Mayor re: re-appointment of Rustin Kyle to the Library Board of Trustees for a term expiring February 1, 2012.
7. Communication from the Mayor re: re-appointment of Leland Woodworth and appointment of Nena Bloomquist to the Arts Lottery Council for terms ending May 1, 2011.
8. Communication from the Mayor re: appointment of Mitchell Gorka as an alternate member of the Zoning Board of Appeals for a term ending three years from date of approval.
9. Communication from the Mayor re: appointment of Katherine Kimber as her new Executive Secretary and to publicly thank Diane Halper, her previous Executive Secretary for her dedication and hard work.
10. Communication from the Comptroller re: Upgrade in Bond Rating.
11. Communication from the Comptroller re: Competitive Bids from Note Underwriters.
12. Communication from the City Solicitor re: First Student, Inc. Special Permit, Condition 12 payment.
13. Application for Special Permit from Cheraq Patel to construct a 104 room hotel at 257 Simarano Dr. as it is in an industrial zone.
14. MetroWest Regional Transit Authority Minutes, March 9, April 6, and May 11, 2009.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

**From City Council**

15. Minutes, City Council Meeting, June 8, 2009.
16. Communication from the Mayor re: Public Safety Revolving Fund for emergency dispatch fees from Patriot's Ambulance contract with the City, Order No. 09-1002244.
17. Communication from the City Solicitor re: Revised Special Permit from Toll MA Land Limited Partnership to construct 69 Retirement Units on Less than 14 Acres and to revise current Special Permit conditions accordingly in proper form, Order No. 09-1002151B.
18. Communication from the City Solicitor re: Application for Special Permit on behalf of Marlborough Savings Bank for a Drive-Thru Teller and ATM at proposed 16,500 s.f. bank/office building at 83 Granger Blvd. in proper form, Order No. 09-1002152B.

19. **Order No. 09-1002201-1A – Inter-department Transfers:** The Finance Committee reviewed the Mayor’s letter dated May 6, 2009 requesting the approval of year end inter-department transfers from the Fringes account to the Personnel, Information Technologies and DPW departments. The Finance Committee actions on the transfers are below:

1. \$7000.00 to Personnel Director salary account 11520001-50530
2. \$45.00 to IT Senior analyst account 11550001-50210
3. \$12,109.00 to DPW SLBB account 14001303-51920
4. \$495.00 to DPW/Street/Longevity account 14001303-51430

**Recommendation of the Finance Committee is to approve items 1-3, 5-0, and item 4, approve 3-2, (Councilors Levy and Ferro opposed)**

20. **Order 09-1002198-2 – Transfer \$350,000.00 from Undesignated Funds to Department Capital Outlay Account:** The Finance Committee reviewed the Mayor’s letter dated May 7, 2009 requesting transfers from the Undesignated Fund to various department capital outlay accounts.

\$350,000.00 Information Technologies account 193000058618

**Recommendation of the Finance Committee is to approve the transfer from Undesignated Funds to the Capital Outlay accounts 5-0.**

21. **Order No. 09-1002125A-1& A-2: - Communication from City Solicitor Donald Rider re: proposed ordinance entitled “Abandoned and/or Foreclosing Residential Properties.**

The committee met with the City Solicitor and the Code Enforcement Officer to discuss the proposed ordinance and how it will address safety and blight issues. It was recommended that upon approval, a notice should be distributed to all residential property owners as an attachment to water or tax bills or via electronic communication if possible. **Recommendation of the Legislative and Legal Affairs Committee is to recommend approval 3-0 and to Suspend the Rules to advertise the proposed Ordinance by adding Chapter 66 entitled "Registration and Maintenance of Abandoned and/or Foreclosing Residential Properties" and Amendment to Chapter 147 "Non-Criminal Disposition" by amending Section B, by adding §29. This item will appear on the June 22, 2009 agenda as the advertisement cannot be published in time to comply with the ten day period prior to the June 15, 2009 agenda. Note: Councilor Schafer abstained to the Suspension of Rules, the Advertising and Tabling until June 22, 2009.**

22. **Order No. 09-1002215A-1 & A-2: Proposed ordinance entitled “Public Consumption of Marihuana or Tetrahydrocannabinol”.** Councilor Ferro explained this ordinance is tightly based on the language proposed by the office of the Attorney General for cities and towns to adopt. The Police Chief and Code Enforcement Officer met with the committee and explained how the ordinance would prohibit public consumption and add enforceability to their current efforts. Both spoke in favor of adopting the ordinance. **Recommendation of the Legislative and Legal Affairs Committee is to recommend approval 3-0 and to Suspend the Rules to advertise the proposed Ordinance by adding Chapter 51 entitled “Public Consumption Of Marihuana Or Tetrahydrocannabinol" and Amendment to Chapter 147 “Non-Criminal Disposition” by amending Section B, by adding §30. This item will appear on the June 22, 2009 agenda as the advertisement cannot be published in time to comply with the ten day period prior to the June 15, 2009 agenda. Note: Councilor Schafer abstained to the Suspension of Rules, the Advertising and Tabling until June 22, 2009.**

23. **Order No. 09-1002151B – Application for Revised Special Permit from Toll MA Land Limited Partnership to construct 69 Retirement Units on Less than 14 Acres and to revise current Special Permit conditions accordingly.** The Committee met with the Applicant and discussed the reason for the meeting was due to the late submission of information to the Urban Affairs Comm. by the City Engineer. The Committee agreed, along with other councilors present, that the late submission of the information by the City Engineer could best be handled at the Site Plan Review stage. Councilor Schafer motioned to "Reaffirm the vote previously taken by the Committee to approve the project, as submitted. **Recommendation of the Urban Affairs Committee is to recommend approval 4-0, Councilor Pope was absent and to Suspend the Rules to refer to the City Solicitor with any typographic errors which were noted at the meeting & to be put in proper form for the next City Council meeting. Councilor Schafer motioned that "A letter is to be sent by the Urban Affairs Comm. or by the Council President to all of the Dept. Heads, with a copy to the Mayor, reminding them that they are required, by ordinance, to submit comments to the Urban Affairs Commission when requests for Special Permits are before the City Council". Recommendation of the Urban Affairs Committee is to recommend approval 4-0, Councilor Pope was absent.**
24. **Order No. 09-1002152B – Application for Special Permit on behalf of Marlborough Savings Bank for a Drive-Thru Teller and ATM at proposed 16,500 s.f. bank/office building at 83 Granger Blvd. Recommendation of the Urban Affairs Committee is to recommend approval 5-0, and to Suspend the Rules to refer to the City Solicitor to be put in proper form for the next City Council meeting and provide the City Solicitor with supplemental materials submitted for June 8, 2009 agenda, item 16. Councilor Delano abstained.**

#### **From Personnel Committee**

25. **Order No. 09-1002230 – Communication from the Mayor re: Offset of an Appropriation by Estimated Fees Related to Site Plan Review, together with Order requesting funding for a portion of the salary for the position of City Planner for all of FY2010 in the amount of \$14,677.00 with the estimated receipts from the Site Plan Review process being used to offset that portion of the salary.** The offset appropriation is similar to establishing a revolving fund, except that the money must first be appropriated and any balance at the end of the fiscal year is automatically deposited into the General Fund. Discussion was gathered about how the "Planner" position would be funded, if the amount of \$14,677.00 was not met through Site Plan Review fees.

Mr. Abel submitted options:

- 1) Transfer the difference from Free Cash;
- 2) Transfer the difference from Stabilization;
- 3) Transfer from budgetary accounts that have a surplus at year's end
- 4) A supplemental budget;
- 5) Fund the difference on the 2011 recap sheet as a revenue deficit.

**Recommendation of the Personnel Committee is to approve 3-0.**

**From Operations and Oversight Committee**

26. **Order No. 09-1002146 - Communication from Mayor Stevens with transfer request in the amount of \$15,000.00 which moves funds from Undesignated to Affordable Housing which represents payment by St. Mary's of French Hill Redevelopment LLC in satisfaction of condition #22 of Special Permit #07-100-1500C.** Chairman Ferro read an electronic communication from Community Development Director Flynn. **Recommendation of the Operations and Oversight Committee is to approve 3-0.**

**From Finance Committee**

27. **Order No. 09-1002205 – \$35,000.00 Water Conservation Grant:** The Finance Committee reviewed the Mayor's letter dated May 6, 2009 requesting the approval of the \$35,000 grant from the Massachusetts Department of Environmental Protection for leak detection services. **Recommendation of the Finance Committee is to approve 5-0.**
28. **Order No. 09-1002223 – Transfer \$66,277.00 from Insurance Proceeds to City Hall Repairs:** The Finance Committee reviewed the Mayor's letter dated May 28, 2009 requesting the transfer of \$66,277.00 from the Insurance Proceeds Account to the City Hall Repair account to purchase an evaporative cooler that was damaged in the December 2008 ice storm. **Recommendation of the Finance Committee is to approve 5-0.**
29. **Order No. 09-1002226 – Emergency Management Grant for \$2,500.00:** The Finance Committee reviewed the Mayor's letter dated June 2, 2009 requesting the approval of the Massachusetts Emergency Management grant for \$2500.00 to upgrade the Comprehensive Emergency Management Plan. **Recommendation of the Finance Committee is to approve 5-0.**

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# IN CITY COUNCIL

JUNE 22, 2009

Marlborough, Mass., \_\_\_\_\_

## ORDERED:

Now being the time set for the PUBLIC HEARING on the Petition from National Grid to install 60' of primary ug across Forest St. from P.47 to a hand hole, be and is herewith **CONTINUED UNTIL JUNE 22, 2009.**

(IN PUBLIC SERVICES COMMITTEE)

ADOPTED

ORDER NO. 09-1002188



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. Kimber*  
EXECUTIVE SECRETARY

June 18, 2009

Arthur G. Vigeant, President  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I am submitting herewith the following transfer requests:

Transfer in the amount of \$153,000 moving funds from Account No. 100-35900 (Undesignated Fund) to Account No. 83600-32725 (Stabilization DPW Water).

Transfer in the amount of \$64,000 moving funds from Account No. 100-35900 (Undesignated Fund) to Account No. 83600-32724 (Stabilization DPW Street Signs).

Transfer in the amount of \$542,200.00 from Account No. 100-35900 (Undesignated funds) to Account No. 83600-32722 (Stabilization DPW Equipment)

Transfer in the amount of \$76,096.00 from Account No. 100-35900 (Undesignated Fund) to Account No. 83600-32723 (Stabilization GPS)

I previously submitted this transfer from undesignated funds to various capital outlay accounts. As you are aware, June 30, 2009 is the last day to appropriate funds from the undesignated fund (free cash). Therefore, I am submitting this transfer request in order to continue the discussion surrounding the desperate need for equipment in the Department of Public Works. I respectfully request your approval of these transfers to various stabilization accounts at the June 22, 2009 Council meeting.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens  
Mayor  
Attachments

### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			Undesignated Fund			DPW Water Stabilization	
\$ 1,692,285	\$ 153,000	100	35900 Undesignated Fund	\$ 153,000.00	83600	32725 Stabilization DPW Water	\$ -

\$ 153,000

Reason See Mayor's request

### TRANSFER REQUEST

	FROM ACCOUNT		TO ACCOUNT		
AVAILABLE BALANCE	AMOUNT	ORG CODE OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
		<b>Undesignated Fund</b>		<b>DPW Street Signs Stabilization</b>	
\$ 1,539,285	\$ 64,000	100 35900 Undesignated Fund	\$ 64,000.00	83600 32724 Stabilization DPW Street Signs	\$ .

\$ 64,000

Reason                      See Mayor's request

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### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			<b>Undesignated Fund</b>			<b>DPW Equipment Stabilization</b>	
\$ 1,475,285	\$ 542,200	100	35900 Undesignated Fund	\$ 542,200.00	83600	32722 Stabilization DPW Equipment	\$ -

Reason                      See Mayor's request                      \$ 542,200

### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL		
		<b>Undesignated Fund</b>		<b>GPS Stabilization</b>			
\$ 933,085	\$ 76,096	100 35900 Undesignated Fund	\$ 76,096	83600 32723 Stabilization GPS	\$		-

\$ 76,096

Reason See Mayor's request



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*Office of the Mayor*

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*Nancy E. Stevens* 41  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. Kimber*  
EXECUTIVE SECRETARY

June 18, 2009

Arthur G. Vigeant, President  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

In anticipation of your approval of the previous communication transferring funds from undesignated funds to designated stabilization accounts, I am submitting herewith the following transfer requests:

Transfer in the amount of \$153,000 moving funds from Account No. 83600-32725 (Stabilization DPW Water) to Account No. 19300006-58462 (DPW Water)

Transfer in the amount of \$64,000 moving funds from Account No. 83600-32724 (Stabilization DPW Street Signs) to Account No. 19300006-58311 (Street Sign Rpl.)

Transfer in the amount of \$542,200.00 from Account No. 83600-32722 (Stabilization DPW Equipment) to Account No. 19300006-58731 (DPW Equip.)

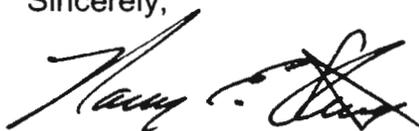
Transfer in the amount of \$76,096.00 from Account No. 83600-32723 (Stabilization GPS) to Account No. 19300006-58735 (GPS Equipment)

Transfer documentation as well as a copy of the previously submitted list of requested equipment is provided for your review.

As we have discussed, the Department of Public Works has received no capital equipment funding for three out of the last six fiscal years. This department needs working, safe and reliable equipment to perform the multitude of operations and functions for which they are responsible. Currently, there are five vehicles deemed unsafe, and have been pulled off the road; a list is attached for your information. In addition, according to the Superintendent of Fleet Maintenance, there are two vehicles that have serious issues and they also are close to being deemed unsafe and pulled off the road. This is a serious issue which is affecting the Department's ability to complete their daily work assignments.

As always, please feel free to call with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy E. Stevens", written in a cursive style.

Nancy E. Stevens  
Mayor

Attachments

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**CAPITAL OUTLAY**

**DPW CAPITAL OUTLAY**

Dept Request

Mayors Approval

**Engineering Equipment**

CAD Digitizer Mouse/cables	\$	2,200.00	\$	2,200.00
Inspection Camera Pole	\$	8,000.00	\$	8,000.00
1/2 Ton Pick Up	\$	30,000.00	\$	30,000.00
			\$	<b>40,200.00</b>

**DPW Equipment**

Metal Pipe Locator	\$	2,000.00	\$	2,000.00
Portable Generator 2900 Watts	\$	1,000.00	\$	1,000.00
Traffic Reflec w/lights	\$	3,900.00	\$	3,900.00
28 inch Traffic Reflec Cones	\$	1,800.00	\$	1,800.00
35 lbs Break Hammer	\$	1,300.00	\$	1,300.00
Jumping Jack Compactor	\$	2,500.00	\$	2,500.00
Ford F-250	\$	30,000.00	\$	30,000.00
F450 Sander/plow	\$	63,000.00	\$	63,000.00
6 Wheeler Dump/sander/plow	\$	155,000.00	\$	155,000.00
6 Wheeler Dump/sander/plow	\$	155,000.00	\$	155,000.00
Mini Rubber track Excavator	\$	60,000.00	\$	60,000.00
			\$	<b>475,500.00</b>

**Fleet Maintenance**

Truck 45 Bed Replacement	\$	10,000.00	\$	10,000.00
Body Repair Truck 64	\$	3,000.00	\$	3,000.00
			\$	<b>13,000.00</b>

**Forestry Parks and Cemetery**

Clam Shell Bucket Front End Load	\$	13,500.00	\$	<b>13,500.00</b>
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<b>Total DPW Equipment</b>	\$	542,200.00	\$	<b>542,200.00</b>
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**Streets**

Street Sign Replacement	\$	64,000.00	\$	<b>64,000.00</b>
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**Water**

Electric Rodding Machine	\$	3,000.00	\$	3,000.00
F 800 Dump truck	\$	130,000.00	\$	130,000.00
Rodding Machine	\$	20,000.00	\$	20,000.00
			\$	<b>153,000.00</b>

<b>GPS</b>	\$	<b>76,096.00</b>	\$	<b>76,096.00</b>
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<b>Total DPW</b>			\$	<b>835,296.00</b>
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CFA, Inc.  
06/17/2009

Page 1

City of Marlborough Fleet Maint  
Out of Service Equipment Id List

8:52:20 AM

Report: E1090

Equipment#	Year / Make / Model / VIN	License	Division	Meter Reading (1)
13	1997 FORD F250 P/U 3FTHF25H7VMA65024	MA - M58555	Street	142,030 Mile

This vehicle is out of service for safety/mechanical reasons that include, rotted floor boards to the point where there is no floor left under the drivers feet, also the rear spring hangers are rotted off the frame. The exhaust system and the oil pan and front motor seal needs to be replaced. The approximate cost of replacement is \$30,000.00

21	1962 SICARD 450-JB JUNIORBJ0558	MA - M56819	Street	Mile
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The transmission on this piece of equipment blew during this past winter and because of the age of the machine it is a difficult task tracking down the parts. The approximate cost for replacement is \$150,000.00

23	1995 FORD F350 1TN 2FDKF38GXSCA69246	M50912	Street	110,000 Mile
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This vehicle has been out of service for 2yrs, and has a blown motor, there is also beyond repair rust/rot on both the dump body and the cab. The approximate cost for replacement is \$63,000.00

61	1993 FORD E150 Van 1FTEE14H4PHA20051	MA - M44246	Water/Sewer	92,560 Mile
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This van has been taken out of service due to beyond repair rot, that has deemed it unsafe to operate the body mounts and the spring hangers have rotted from the frame rails, and also the exhaust manifolds are rotted from the engine. The approximate cost for replacement is \$18,000.00

84	1988 GMC 1500 P/U 1GTDC14ZXJZ526916	M5934	Engineering	141042 Mile
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This vehicle has been out of service for 2yrs, and has a blown motor, there is also beyond repair rot/rust throughout the entire vehicle. The approximate cost of replacement is \$30,000.00

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## TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT					
AVAILABLE BALANCE	AMOUNT	ORG	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 76,096.00	\$ 76,096.00	83600	32723		\$ 76,096.00	19300006	58735	GPS Equipment	0
\$ 64,000.00	\$ 64,000.00	83600	32724		\$ 64,000.00	19300006	58311	Street Sign Rpl	\$ 320.00
\$ 153,000.00	\$ 153,000.00	83600	32725		\$ 153,000.00	19300006	58462	DPW WATER	\$ 201.00
\$ 542,000.00	\$ 542,000.00	83600	32722		\$ 542,200.00	19300006	58731	DPW Equip	\$ 844.00

Stabilization

Capital Outlay

\$ 835,296.00

Reason See Mayor's request



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June 18, 2009

Arthur G. Vigeant, President  
Marlborough City Council  
City Hall, 140 Main Street  
Marlborough, MA 01752

RE: Council Order 09-1002244 Public Safety Revolving Account

Honorable President Vigeant and Councilors:

This letter is written in response to Council's request for additional information on expenditures and encumbrances of the Public Safety Training Revolving Account. Expenditures to date for FY09 include \$3,882.41 for Rapid Intervention Training and \$2,315.03 for Emergency Response Driver Training. An additional \$4,002.46 has been encumbered for Rapid Intervention Training. As of June 18, 2009, the account balance is \$27,300.10.

I respectfully request that Council renew the Public Safety Revolving Account to enable these funds to be utilized by the City for public safety training.

As always, please feel free to contact me with any questions or concerns.

Sincerely,

Nancy E. Stevens  
Mayor

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**CITY OF MARLBOROUGH**

**Office of the City Auditor**

140 Main St.

Marlborough, MA 01752

June 18, 2009

MEMORANDUM

**TO:** Mayor Nancy E. Stevens

**FROM:** Diane Smith, City Auditor

**RE:** Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Funds received to date	\$37,500.00
Expenditures to date-	
Rapid Intervention Training	( 3,882.41)
Emergency Response Driver Training	( 2,315.03)
Encumbrances -	
Rapid Intervention Training	( 4,002.46)
Balance as of June 18, 2009	<u>\$27,300.10</u>



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June 18, 2009

Arthur G. Vigeant, President  
Marlborough City Council  
City Hall, 140 Main Street  
Marlborough, MA 01752

RE: Boards and Commissions-Library Trustees

Honorable President Vigeant and Councilors:

I am submitting for your approval the re-appointment of Rustin Kyle to the Library Board of Trustees with a term ending February 1, 2012.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens  
Mayor



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June 18, 2009

Arthur G. Vigeant, President  
Marlborough City Council  
City Hall, 140 Main Street  
Marlborough, MA 01752

RE: Boards and Commissions- Arts Lottery Council

Honorable President Vigeant and Councilors:

I am submitting for your approval the re-appointment of Leland Woodworth to the Arts Lottery Council for a term ending May 1, 2011.

Additionally, I am submitting for your approval the appointment of Nena Bloomquist to the Arts Lottery Council for a term ending May 1, 2011.

As always, please feel free to contact me with any questions or concerns.

Sincerely,

Nancy E. Stevens  
Mayor



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June 18, 2009

Arthur G. Vigeant, President  
Marlborough City Council  
City Hall, 140 Main Street  
Marlborough, MA 01752

RE: Boards and Commissions-Zoning Board of Appeals

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Mitchell Gorka as an alternate member of the Zoning Board of Appeals with a term ending three years from the date of approval.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens  
Mayor



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9  
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EXECUTIVE SECRETARY

June 18, 2009

Arthur G. Vigeant, President  
Marlborough City Council  
City Hall, 140 Main Street  
Marlborough, MA 01752

RE: Executive Secretary Appointment

Honorable President Vigeant and Councilors:

It is my pleasure to inform you that I have appointed Katherine Kimber from the Legal Department as my new Executive Secretary. I am sure that Kate will be a wonderful addition to my staff.

I would also like to publicly thank Diane Halper, my previous Executive Secretary, for her hard work and dedication to me as well as my two predecessors. Diane's dedication and commitment to this office as well as this city is a testament to her outstanding character. I am sure that you join me in wishing her well in her new position at the Council on Aging.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens  
Mayor



CITY OF MARLBOROUGH  
*OFFICE OF THE COMPTROLLER/TREASURER*  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

June 17, 2009

President and Members  
Marlborough City Council

RE: Upgrade Bond Rating

Dear President and Members:

This is to notify you that Standard and Poor's has upgraded the City of Marlborough's bond rating. Our rating was increased from a double A (AA) to double A + (AA+). This rating is one level below the highest rating given by Standard and Poor's. Upgrades in ratings are not easily obtained in normal economic times and to obtain an upgrade in this economic climate is truly a remarkable achievement.

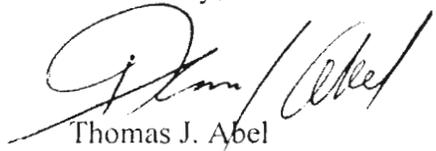
In assigning the AA+ rating to the City of Marlborough, Standard and Poor's made specific references to the following:

- o The city's favorable economic indicators and operating flexibility and its demonstrated record of making the needed budgetary adjustments to yield consistent operating results;
- o Marlborough's favorable financial performance and a very strong financial position;
- o Tax collections are strong and stable, typically exceeding 98%;
- o Very strong reserves, providing ample operating flexibility to manage through the recession;
- o Stable local economy with sound commercial, retail base and the 2008 median household effective buying income was 127% of the national level.

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An upgrade to our rating is a significant event in the City's continued recognition as a well managed, fiscally sound municipality. The rating process is a tedious, complicated, legal process that requires data from many departments and culminates with representatives of Standard & Poor's interviewing me. I would like to publicly thank the employees of the Financial Departments for the extra effort made during the preparation of the documents that made this upgrade possible.

Yours truly,

A handwritten signature in black ink, appearing to read 'T. Abel', written in a cursive style.

Thomas J. Abel  
Comptroller/Treasurer



CITY OF MARLBOROUGH  
**OFFICE OF THE COMPTROLLER/TREASURER**  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

June 17, 2009

President and Members  
Marlborough City Council

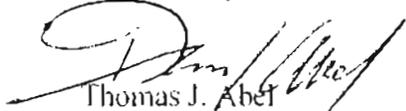
Dear President and Members,

This is to notify you that the City of Marlborough received competitive bids from note underwriters on Wednesday, June 17, for a \$7,874,958 one-year bond anticipation note. First Southwest provided the lowest of the four bids received on the notes with a net interest rate of **point four, nine, nine, eight percent (.4998%)**. As you know, proceeds of the notes will be used to finance school equipment, departmental equipment, street construction, sewer and drainage construction, water construction, and other various capital projects.

Prior to the sale, Standard & Poor's and Moody's Investor Service, two municipal credit rating agencies, assigned **the notes ratings of SP1+ and MIG1, the highest short-term ratings attainable.**

Marlborough continues to attract numerous bids on its notes and continues to enjoy a very favorable rating.

Yours Truly,

  
Thomas J. Abel  
Comptroller/Treasurer



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

121  
DONALD V. RIDER, JR.  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER  
PARALEGAL

June 18, 2009

Arthur Vigeant  
President  
Marlborough City Council

RE: Order 09-1002158A  
First Student, Inc.  
Hayes Memorial Drive

Dear President Vigeant and Members:

Order No. 09-1002158A, adopted by the City Council on May 11, 2009, approved a request to transfer \$10,000 from Undesignated Fund (Account No. 100-35900) to Public Safety (Account No. 83600-32701). The City had received the \$10,000 from Genzyme Corporation in connection with Condition 12 of the special permit issued by the Council to First Student, Inc. in December 2007. Condition 12 provides in pertinent part:

Applicant also agrees to a mitigation payment of \$20,000.00 for traffic enforcement purposes related to school bus safety whereby a first payment of \$10,000.00 will be made upon issuance of the permanent occupancy permit for the Site. Thereafter, the second payment of \$10,000.00 is to be made within one year after such occupancy issuance.

With the permanent certificate of occupancy for the site having been issued on March 16, 2009, Genzyme's payment represented the first of the two \$10,000 payments required in Condition 12.

But, because that \$10,000 payment was issued by Genzyme and not by First Student, Order No. 09-1002158A further requested a "legal opinion from the city solicitor regarding misrepresentation of the applicant." In particular, the concern voiced at the May 11 meeting was to the effect that First Student had represented to Urban Affairs that it, First Student, was having difficulties with Genzyme at First Student's Framingham site, that therefore First Student was looking at the Hayes Memorial Drive site, and that in any event First Student had limited financial resources relative to its special permit application for the latter site.

A special permit granting authority retains an inherent power to re-open and, if deemed appropriate, to revoke a special permit based on a misrepresentation that materially induced the SPGA to grant the permit in the first place. For example, where an applicant represented throughout the course of a special permit hearing and SPGA discussions that a motel room had always been used as such and that it was therefore a lawful nonconforming use, when in fact it

had previously been abandoned as a motel room for zoning purposes, but the SPGA accepted that representation and granted the special permit based on the SPGA's express understanding that it was not thereby increasing the number of motel rooms allowed under zoning, then a material misrepresentation had been made to the SPGA, entitling the SPGA to subsequently act to revoke the special permit. White Sands Beach Club, Inc. v. Board of Appeals for the Town of Truro, 2004 WL 3152192, at \*3 (Mass. Super.)(citations omitted). Thus, in White Sands, the misrepresentation went to the heart of the special permit. However, the power to re-open any past decision by any agency "should be exercised ... with due circumspection - 'sparingly' as the cases say." Covell v. Department of Social Services, 42 Mass. Ap. Ct. 427, 433 (1997), cited in White Sands, at \*3.

While any misrepresentation by any special permit applicant would certainly not be condonable, the question here is whether there was a misrepresentation by First Student that materially induced the Council to grant the special permit. This is a question that is best answered by the members of the Council. If the Council's sense is that it simply would not have granted the special permit to First Student had the Council but known of Genzyme's involvement, then the Council could order that there be a public hearing, after proper notice, to hear testimony from First Student explaining Genzyme's involvement in the special permit process and, if deemed appropriate, to consider revoking First Student's special permit; please note that that very revocation, as an adjudication of First Student's special permit rights, would itself be an act of discretion, just as was the granting of the special permit itself, so that the Council would need a legally defensible rationale to revoke, just as one was needed to grant in the first place. If, on the other hand, the Council's sense is that Genzyme's involvement in First Student's special permit application does not go to the heart of the merits as to whether a special permit was warranted for Hayes Memorial Drive, then that would end the matter.

To assist the Council, it may be helpful to examine a rough chronology to get an idea as to how First Student went about securing a special permit on Hayes Memorial Drive. The following chronology is based on a review of documents recorded at the Middlesex South District Registry of Deeds (apart from the P&S agreement discussed below, which Legal has not seen).

When First Student applied for a special permit on or about August 14, 2007, the owner of the land in question was the Marlborough/Northborough Realty Trust ("the Trust"). First Student was the prospective owner of that land, pursuant to an August 3, 2007 purchase and sale agreement it had with the Trust. But, upon information and belief, there was a third party to that P&S agreement: Genzyme. As part of its \$125 million dollar expansion in Framingham, Genzyme wished to expand its existing site so as to eventually acquire First Student's abutting site at 47 New York Avenue in Framingham. In essence, First Student agreed to sell that site to Genzyme, in exchange for which Genzyme agreed to obtain the permitting for, and perform the construction of, First Student's bus maintenance depot on Hayes Memorial Drive.

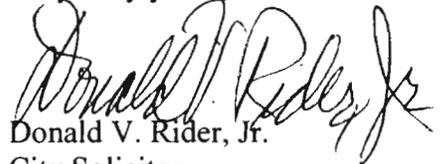
The following chronology ensued. On June 19, 2008, the Trust gave Genzyme a mortgage on the land in question in an amount that was capped at \$1,120,000 "to secure the payment obligations of" the Trust to Genzyme, as had been provided in the August 3, 2007 P&S Agreement. In other words, Genzyme loaned \$1,120,000 to the Trust and accepted the land in question as collateral. Then, on or about July 23, 2008, a building permit was issued to D.C. Beane Construction, with the permit fee as well as the inspectional fee both paid by Genzyme. Construction ensued. On January 7, 2009, three events happened:

- 123
- 1) the Trust conveyed the land in question to Genzyme for \$1,120,000, the same amount recited in the Trust's mortgage to Genzyme;
  - 2) then, Genzyme discharged the Trust's mortgage; and
  - 3) then, Genzyme agreed to give the Trust written notice of any offers to purchase the land in question or any portion thereof, which notice would give the Trust the right of first refusal to re-purchase or any portion thereof; the only exception to the Trust's right of first refusal was if there was any conveyance by Genzyme "to First Student, Inc. or an entity that controls, or is controlled by, or is under common control with First Student, Inc."

Subsequently, on March 27, 2009, Genzyme conveyed the land in question to Romano's School Bus Service, Inc. ("Romano's"), a Pennsylvania corporation with an address in Cincinnati, Ohio. Romano's had been acquired by First Student in early 2008. Later that same day, First Student – a Delaware corporation having the same Cincinnati address as Romano's – conveyed to Genzyme First Student's site on 47 New York Avenue in Framingham "for consideration paid in full, the receipt and sufficiency of which are hereby acknowledged" by First Student.

As cautioned above, any decision to re-open the First Student special permit "should be exercised ... with due circumspection – 'sparingly' ... ." Covell, 42 Mass. Ap. Ct. at 433. Thank you for your attention to this matter.

Very truly yours,



Donald V. Rider, Jr.  
City Solicitor

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

1. Name and address of Petitioner or Applicant:

Cherag Patel, 6539 Lake Crest Circle, South Bend, Indiana 46628

2. Specific Location of property including Assessor's Plate and Parcel Number.

Lot 2, 257 Simarano Drive, Marlborough, MA, Map 112, Parcel 4

3. Name and address of owner of land if other than Petitioner or Applicant:

257 Simarano, LLC, 44 Central Street, Berlin, MA 01503 &  
Brighton Properties, LLC, One Cranberry Hill, Ste. 103, Lexington, MA 02421

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article 20B Section 18 Paragraph 21 Sub-paragraph

6. Zoning District in which property in question is located:

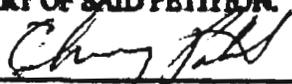
Industrial

7. Specific reason(s) for seeking Special Permit

The applicant seeks permission to construct a 104 room hotel on  
Simarano Drive located in an industrial zone.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

**PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.**



Signature of Petitioner or Applicant

Address: 6539 Lake Crest Circle

South Bend, Indiana 46628

Telephone No. (574) 514-0033

Date: \_\_\_\_\_

MetroWest Regional Transit Authority

**Advisory Board  
Meeting Minutes  
Monday, March 9, 2009**

The Metrowest Regional Transit Authority Advisory Board meeting was held on March 9, 2009 at 4:00 p.m., at the maintenance and operations facility of the MWRTA, located at 160 Waverley Street, Framingham, MA, at the call of Chairman John Stasik, Framingham. Mr. Stasik asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Brian Herr, Hopkinton, Chris Peck, Sherborn, Joe Nolan, Wayland, Phil Jack, Ashland, Betty Solderholm, Southborough, Karen Kisty, Marlborough and Carl Damigella, Holliston. A quorum was declared. Mr. Peck made a *motion to waive the reading of the previous minutes*; it was seconded by Mr. Damigella, and approved unanimously. Ms. Kisty *made a motion to approve the previous minutes*; it was seconded by Mr. Damigella, and approved with the exception of Phil Jack, Ashland, Brian Herr, Hopkinton and Joe Nolan, Wayland, who abstained.

***Administrator's report:***

- **Fixed Route Service:**

**The Route 1 Green Line Project** is ready to launch. The Advisory Board must vote to approve the fares. This will occur under New Business.

**FY09 Suburban Mobility Grant Application** will be discussed under Other Business.

The **Charlie Card Interoperability Project** with the MBTA, which is a pilot program that will allow riders on the route 1 service to use their Charlie Card to pay for fares and purchase passes as well, is about to begin.

- **Demand Response:**

**The sad and untimely passing of Mr. Bob Rizzo**, the Manager of the MBTA's RIDE program, has resulted in a two-week set-back in the working meetings with the MBTA staff. .

Half of the **MW RIDE vehicles** have been received. Mr. Carr is working with Thompson Transit to finalize the contract and develop the new MW RIDE.

**Dial-A-Ride** has begun in **Wayland**. Discussions are occurring with **Ashland** to expand service and in **Sherborn** to begin service.

- **Outreach:**

Paul Spooner and the **Consumer Advisory Committee** have begun meeting. The CAC has created a separate **Task Force** to provide user input for the transition to the **MW RIDE**.

MWRTA Staff made a **presentation on Travel Training** to the AARP at the Framingham Callahan Center. More Travel Training will be planned and is available to COA's of all member towns.

**Public hearings** were held on the **Greenline Route 1 Project** that produced positive feedback from attendees.

- **Facility:**

Negotiations for the **facility at 37 Waverley St.**, Framingham should be finalized this week. Further discussion will be under Old Business.

- **Marketing:**

**The promotional cable TV project** with Natick's cable television, Pegasus, is scheduled to be released shortly.

**Comments on the Administrator's Report:**

Mr. Stasik asked about the difference between the **Smart Card** and the **Charlie Card**. Mr. Carr stated that they are the same. Discussion occurred on how this will work. It may take up to two years before the system is fully integrated. However, it's hoped that the Charlie Card implementation for Route 1 will occur in the next few months.

Mr. Stasik asked about **the RIDE Transition Task Force**. Mr. Carr explained that this is made up of members of the CAC. The purpose is to get consumer input during the transition process. Karen Dempsey is chairing the Task Force; other members were named.

Mr. Jack, Mr. Peck and Mr. Nolan **praised the work that the RTA has done with the COA's** of their respective towns to create and improve demand-response service. Mr. Carr stated that services to Marlborough and Southborough are doing well, with the assistance of Ms. Kisty. Mr. Carr is planning on increased interaction with the COA's of other towns within the RTA.

## ***Old Business***

- **Bylaws:**

Mr. Peck *made a motion to change the CAC term length from two years to one year (Section 1.3, paragraph 4)*. It was seconded by Mr. Nolan and approved unanimously.

Mr. Nolan *made a motion to change the language of Section 1.6 regarding the definition of a quorum to include a weighted vote in addition to the >50% requirement*. It was seconded by Mr. Stasik and approved unanimously.

Mr. Damigella requested an amendment to have all contact between member towns and the RTA be directed through each Town's RTA representative.

Mr. Peck *made a motion to accept the by-laws with the two motions listed above, with the thought that the by-laws can be amended to include Mr. Damigella's request at a future time*. It was seconded by Mr. Damigella and approved unanimously.

- **New Facility at 37 Waverley St.:**

Mr. Carr recapped **the need to look for another facility** that has a lease with an option to buy. Mr. Carr will use Economic Stimulus money to fund the project for studying the Waverley St. property.

Mr. Jack expressed **concern about getting into a 5-year lease** when it is not known whether the property would be purchased. Mr. Carr explained that it could be a 3-year lease-or-buy with an option to lease for two more years.

Mr. Damigella *made a motion to allow Mr. Carr to enter into a lease with an option to buy*. It was seconded by Mr. Nolan.

Ms. Ginger Esty, a member of the MPO, raised a number of questions, including the need for a detailed explanation of how the \$750K will be used, and whether this building was the best choice. Mr. Stasik commented that the RTA must be moved out of its current location by May. Mr. Jack would like a provision that **if the studies come back with unsuitable results**, that the lease could be terminated after three years, and that if it's an environmentally unsafe building, that the lease could be immediately voided. There was additional discussion about environmental and safety testing.

After discussion ended, the *motion was amended to include Mr. Jack's provisions*. The new motion was as follows; *to allow Mr. Carr to enter into a lease with an option to buy, with an inclusion that states that if the studies come back with unsuitable environmental results, that the lease could be terminated after 3 years, and that if it's determined that it is an environmentally unsafe building, that the lease could be terminated immediately.*

The motion passed unanimously.

- **Disabled Community Representative:**

As Mr. Shapiro had resigned, **Mr. Jack will look for another representative**. This will be on the agenda for the next meeting.

### ***New Business***

- **Route 1 Fares**

Mr. Carr **proposed a fare structure** of \$3 for a complete trip and \$1.50 for a half trip. Outreach has been done and the fee structure has been well received by riders. Discussion details included:

- transfers passes and multiple ticket discounts
- consistency with other fares
- the cost benefits over driving and parking
- coordination with Newton Wellesley Hospital
- tickets to eventually be replaced by the Charlie Card
- fare revenue typically accounts for 30% of the actual cost of running public transportation
- the route is subsidized by a grant from the Mobility Assistance Program

Mr. Peck *made a motion to accept the fare structure as outlined*. The motion was seconded by Ms. Solderholm and approved unanimously.

### ***Other business***

- **Suburban Mobility Grant Application Discussion**

Mr. Belcher of the CTPS gave the following information:

- some of the \$650K of this year's funds is already allocated for the second and third years of currently approved projects, leaving \$130K for new projects
- to date, ten competitive proposals have been received from public entities and more are expected

To maximize the RTA's chances of receiving a grant, Mr. Belcher recommended a combination of two of the eight options that the RTA is considering.

- in Marlborough, add **Saturday service on Route 7**
- in Framingham, add **Sunday service to Route 3.**
- plus the potential addition of off-peak (evening) service

This expanded current service would require no additional capital and would be viewed favorably by the Suburban Mobility Program.

Mr. Carr agreed with Mr. Belcher's assessment. Additional discussion regarding current and potential plans included:

- a future route going along Rt. 20 from Wayland to east Marlborough
- the RTA possibly picking up some of the service from private commuter carriers who are no longer being funded by the State
- the list of eight options being a "to do" list for potential service
- possibly using the MBTA assessment money to fund some of the other six options
- a report to the towns to show how their MBTA assessments are being used for services provided to their town

Mr. Damigella *made a motion that Mr. Carr submit a proposal to the SMP to increase service on Routes 7 and 3 as discussed.* The motion was seconded by Ms. Solderholm and approved unanimously.

It was also noted that Mr. Belcher is working on a separate service study for the RTA.

***Questions and comments from the audience:***

Ms. Esty asked about funds for specialized equipment that the RTA needs to purchase for its vehicles. Mr. Carr stated that the new vehicles being purchased come with this equipment already installed. If more is needed he will access federal funding for it.

There was a brief discussion about rumors and fears surrounding the coming change from the MBTA RIDE to the MW RIDE. Mr. Carr said that they are working diligently to make sure that the new service is the same as the MBTA's program.

The next meeting is scheduled for Monday, April 6, 2009.

*A motion to adjourn* was made by Ms. Solderholm at 5:30 p.m.; it was seconded by Mr. Damigella, and approved unanimously.

###

**Certificate**

*The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on March 9, 2009.*

---

Carl Damigella, Holliston

# MetroWest Regional Transit Authority

## **Advisory Board Meeting Minutes Monday, April 6, 2009**

The Metrowest Regional Transit Authority Advisory Board met on April 6, 2009 at 4:00 p.m., at the maintenance and operations facility of the MWRTA, located at 160 Waverley Street, Framingham, MA, at the call of Vice Chairman Phil Jack, Ashland. Mr. Jack asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Chris Peck, Sherborn, Kris Kiesel, Sudbury, Joe Nolan, Wayland, Betty Soderholm, Southborough, Karen Kisty, Marlborough, Carl Damigella, Holliston, Toni Wolf, Weston. A quorum was not declared, as the representatives from both Framingham and Natick were not present. Due to this circumstance, only non-voting issues could be discussed, and it was agreed that the Administrator's report would be read.

### ***Administrator's report:***

- **Fixed Route Service:**

**The Route 1 Green Line project** had projected an eventual ridership of 500 rides per week, and is almost at that level already.

**The FY09 Suburban Mobility Grant Application** has been submitted. The request is to fund Saturday service on Route 7.

First Transit drivers **have voted to join the Amalgamated Transit Union, Local#22**, from Worcester. This will not affect the current contract that the RTA has with First Transit.

- **Demand Response:**

Discussions continue with **Ashland** and **Sherborn** about expanding the current service with Busy Bee. New discussions are occurring with Wayland and Sudbury about combining service.

- **Outreach:**

In preparation for the transition of the MetroWest RIDE, **THE RIDE Task Force** is public information forums, public access programs and PSA's.

With new vans from the Mobility Assistance Program, the **fleet of vehicles for the RIDE service will be up to 18**. Mr. Carr will be looking for a

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couple of additional vehicles, which he believes should not be a problem to acquire. Assistance may come from the MBTA.

The MBTA has sent a letter to all current Framingham and Natick RIDE users, **requesting permission to transfer the riders' personal data to the MWRTA.**

**Operational issues for the RIDE transition** are still being worked out with the MBTA and Thompson Transit.

- **Marketing:**

A meeting was held with the Marlborough Chamber of Commerce and the Framingham Selectmen.

Mr. Carr is **waiting to hear from Natick's cable television station, Pegasus**, regarding the promotional project for the RTA.

- **Facility:**

The RTA hopes to **sign the lease** for the facility at 37 Waverley St. sometime this week. The lease is a 3-year lease with an option to buy. Assessing the **environmental issues is a major concern**. There was a 21E report done in 1993. The real estate company had four of the wells opened for examination. More physical examination must be done, including checking the ground under the hydraulic lifts. Language is built into the lease such that the RTA can get out of the lease if the property is dirty.

The FTA and the MBTA have looked at the 37 Waverley St. sight to consider the possibility of intermodal opportunities with the West Natick train station. The RTA has signed a contract with SEA to have them perform an environmental and feasibility study to determine how this location will suit the RTA's needs for the next five to twenty years.

### Comments on the Administrator's Report:

Mr. Damigella expressed concern that the RTA might be paying for an environmental cleanup even if the RTA doesn't buy the building. Mr. Carr stated that the landlord would be paying for any cleanup.

There was a discussion about the fact that unionized drivers could potentially go on strike. Questions were asked regarding a no-strike clause. Mr. Carr stated that the contract is between the drivers and First Transit and not between the drivers and the RTA. Mr. Stevenson said that First Transit is

obligated by contract to provide the RTA with drivers. It was noted that the transit industry is commonly union-heavy. General Manager, Mr. Jim Parker, of First Transit stated that the contract with the union hadn't been negotiated yet. Concern was expressed by a number of Board members about how the RTA would function if a strike occurred. Mr. Parker stated that they would bring in drivers from other locations if necessary.

Mr. Jack asked for an update of the CTPS study. Mr. Carr stated that this is on-going and there is nothing to report at this time.

***Old Business***

• **Disabled Community Representative:**

Mr. Jack asked that the position be passed to the next town in line, which would be Holliston. Mr. Damigella asked if the length of the term would be the balance of this year plus the next year (14 months). Mr. Jack replied that this would be the most sensible course, but it will require a vote by the Board at the next meeting.

• **Bylaws:**

There was a discussion regarding the proposed amendment to have all contact between member towns and the RTA be directed through each Town's RTA representative. Mr. Carr felt that this would be a good amendment.

***New Business***

• **Fares for Uniformed Military Personnel**

In some RTA's, Uniformed Military Personnel ride for free. This is a change in fares and will require a vote of the Board.

• **Charlie Card Fares for MBTA Employees**

Since the RTA is working to implement the Charlie Card system, the RTA must allow the MBTA employees to ride for free. This is a fare change and would require a vote of the Board.

14<sub>10</sub>

***Other Business***

Eva Willens and Toni Wolfe discussed two community projects of the MetroWest Leadership Academy. The first is a food pantry drive, being co-sponsored by the RTA. The second is an Economic Forum, focusing on green initiatives which the RTA will attend to promote the new Route 1 to the Greenline at Woodland Station.

The next meeting was scheduled for Monday, May 11, 2009.

The meeting ended at 4:40 PM

###

**Certificate**

*The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on April 6, 2009.*

---

Carl Damigella, Holliston

14 11

## MetroWest Regional Transit Authority

### **Advisory Board Meeting Minutes Monday, May 11, 2009**

The Metrowest Regional Transit Authority Advisory Board met on May 11, 2009 at 4:00 p.m., at the maintenance and operations facility of the MWRTA, located at 160 Waverley Street, Framingham, MA, at the call of Carl Damigella, Holliston. Mr. Damigella asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Brian Herr, Hopkinton, Karen Kisty, Marlborough, Betty Soderholm, Southborough, Kris Kiesel, Sudbury, Joe Nolan, Wayland, Frank Hess, Sherborn, Toni Wolf, Weston. A quorum was not declared, as the representatives from both Framingham and Natick were not present. Due to this circumstance, only non-voting issues could be discussed, and it was agreed that the Administrator's Report should be read.

#### ***Administrator's report:***

- **Fixed Route Service:**

**Route 1 ridership** is growing steadily.

**The Charlie Card Pilot Project** with the MBTA won't be in operation in May. However the delay may mean that it will be implemented on all routes at once instead of just Route 1.

- **Demand Response:**

The RTA will hold **four public information sessions** in May and June to answer rider's questions regarding the transition of the RIDE service.

The **contract with Thompson Transit** has been signed. Work continues on enhancing the call center for the coming increase in ridership.

The RTA continues to work with the **COA's** of the member towns to increase and enhance service.

- **Outreach and Marketing:**

The RTA **promotional CD from Pegasus** is complete. Copies of the CD's are in members' packets, to be used by their local cable access TV stations.

- **Elections:**

14/12

**The Board must elect officers** next month. The Board may consider a format of having three or four full-Board voting sessions each year, with an executive committee to meet monthly.

- **Budget:**

A **draft of the next budget** is provided in each member's packet for voting in June. This is a level-funded budget.

Comments on the Administrator's Report:

Mr. Stevenson made additional comments on **the challenges of preparing the budget**, given the current economic situation. The inter-district funding for Marlborough and Southborough is ending, but there is federal money to replace it. The nature of forward-funding was discussed as well as other sources of funding. The RTA has applied for stimulus money and will be applying for additional federal funds.

Questions on the details of **the proposed budget** were asked. Some costs have dropped, including rent on the new facility and one-time consultant costs.

The **status of the union** for the First Transit employees was discussed. A union steward has been elected but negotiations with First Transit haven't begun.

***Old Business***

- **Disabled Community Representative:**

Mr. Damigella presented **Deborah Moore, Holliston**, as the new Disabled Community Representative.

***New Business***

**Three items of new business** have been carried over from the previous meeting. All three require a vote and must be postponed until the next meeting due to a lack of quorum.

***Other business***

Pat Moynihan, realstate consultant, **reported on the new facility** at 37 Waverly St.

14/13

- The RTA has entered into a five-year lease with an option to buy.
  - The cost of the lease is \$8 per square foot, increasing by 50 cents per year to \$10 per square foot in the fifth year. The first four months are rent-free.
  - If the option to buy is exercised in the first year, the price would be \$805,000 in the first year and increasing by a ½ % each year thereafter.
  - The RTA has the option to get out of the lease after the third year.
- 
- Due diligence has been exercised on environmental issues.
  - Re: 21E - Five monitoring wells were dug in 1993.
  - Four of the five are still accessible and pass. If the RTA elects to proceed with the purchase, other wells may be drilled.
- 
- The site has proximity to the West Natick Train Station.
  - The MBTA has a right-of-way 80 feet wide on each side of the train tracks.
  - The proximity to the train makes the site a good candidate for federal funding.
  - There would be a dedicated shuttle between the trains and the RTA building. The cost of paving would fall on the RTA, but the funding could be part of the same request as the purchase of the site.
- 
- There are multiple ways in which the purchase can be funded with both State and and/or Federal grants.
  - The purchase decision may be made by year 3.
- 
- The current building may be expanded upward to add office space.
  - The site should be adequate for maintenance of the vehicles.
  - Parking for the buses and for employees should be sufficient.
  - Other sites may eventually be added for additional overnight RTA vehicle parking.
  - The golden triangle was discussed as a site for a future intermodal center.

***Questions and comments from the audience:***

Two members of the audience requested published information on the RIDE and other topics. One had questions about the Sherborn COA and the Town's Senior transportation.

Eva Willens showed the new bus stop signs that are being put up in Marlborough and Southborough.

The next meeting is scheduled for Monday, June 8 , 2009.

14/14

The meeting ended at 4:40 PM

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**Certificate**

*The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on May 11, 2009.*

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Carl Damigella, Holliston